UNITED STATES PATENT AND TRADEMARK OFFICE

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10/506,357	04/15/2005	Jason Brett Harrop	17480P029	1087

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EXAMINER
STORK, KYLE R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 June 2010*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *299-329* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *299-329* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.　　　This final office action is in response to the amendment filed 15 June 2010.

2.　　　Claims 299-329 are pending.　Claims 179-298 are cancelled.　Claim 299 is an

independent claim.

Claim Rejections - 35 USC § 103

3.　　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.　　　This application currently names joint inventors.　In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary.　Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.　　　Claims 299, 301-314, 323-324 and 327-329 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Poole et al. (US 6006242, patented 21 December 1999,

hereafter Poole) and further in view of Kane et al. (*Consistently Updating XML Documents using Incremental Constraint Check Queries*, 2002, hereafter Kane).

As per independent claim 299, Poole discloses a computer-readable storage medium having instructions stored thereon, which when executed cause a machine to perform a set of operations comprising:

generating at least one instance document from at least one SGML source document for a document assembly system (Figure 1, items 42, 44, 46, and 48; column 5, lines 15-24: Here, the source document, or resulting stream, is used to create instance documents)

determining content at locations of the at least one instance document based on document assembly instructions associated with corresponding locations within the at least one SGML source document (Figure 1, item 40; column 5, lines 15-24)

wherein:

the at least one SGML source document was created by associating the document assembly instructions with at least one initial SGML document (Figure 1, items 32, 34, 36, and 38; column 4, line 65- column 5, line 14: Here, a user defines the assembly instructions, or requirements of the document. These assembly instructions are associated with portions of a document, and a resulting stream, or source document, is created)

the at least one initial SGML document is valid with respect to a predetermined DTD of schema that does not include the document assembly instructions (Figures 1, 9c, and 10; column 2, lines 29-40; column 4, lines 6-16: Here,

the source document, or resulting stream, comprises resolved entity components.

These resolved components are validated against an SGML parser/validator prior to

becoming resolved (Figure 9c, items 24 and 30))

Poole fails to specifically disclose wherein the at least one SGML source

document is valid with respect to the same predetermined DTD or schema as the at

least one initial document, and the use of XML. However, Kane discloses the use of

XML and wherein the at least one SGML source document is valid with respect to the

same predetermined DTD or schema as the at least one initial document (Abstract). It

would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have combined Kane with Poole, since it would have allowed a user to

maintain validity of a document having inserted content.

As per dependent claim 301, Poole discloses wherein the at least one source

document includes one or more references to document assembly instructions external

to the at least one source document (Figure 1).

As per dependent claim 302, Poole fails to disclose retrieval of data from a

database. However, the examiner takes official notice that retrieval of data, such as

document assembly instructions, from a database was notoriously well known in the art

at the time of the applicant's invention. Storing data within a database allows for fast

and efficient retrieval of data. It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined the well known with Poole,

since it would have allowed for the fast and efficient retrieval of data.

As per dependent claim 303, Poole discloses wherein the at least one source document includes the document assembly instructions (Figure 1, item 40).

As per dependent claim 304, Poole discloses wherein the source document includes processing instructions that include or reference the document assembly instructions (Figure 1: Here, the source document includes the document assembly instructions).

As per dependent claim 305, Poole disclose wherein the one or more of the document assembly instructions determines one or more queries, conditions, and/or reusable content for use in determining the content of the at least one instance document (Figure 1: Here, the document assembly instructions include reusable content for use in multiple instance documents (items 40, 42, and 44)).

As per dependent claim 306, Poole disclose wherein the at least one source document includes one or more references to one or more queries, conditions, and/or reusable content for use in determining the content of the at least one instance document (Figure 1: Here, the document assembly instructions include reusable content for use in multiple instance documents (items 40, 42, and 44)).

As per dependent claim 307, Poole discloses wherein the referenced queries, conditions, and/or reusable content are external to the at least one source document (Figure 1: Here, the reusable content contains items from the document assembly instructions. These assembly instructions are external to the source document).

As per dependent claim 308, Poole fails to disclose storage and retrieval of data from a database. However, the examiner takes official notice that retrieval of data, such

as document assembly instructions, from a database was notoriously well known in the

art at the time of the applicant's invention. Storing data within a database allows for fast

and efficient retrieval of data. It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined the well known with Poole,

since it would have allowed for the fast and efficient retrieval of data.

As per dependent claim 309, Poole discloses wherein the at least one XML

source document includes one or more references to one or more documents defining

the one or more queries, conditions, and/or reusable content (Figure 1).

As per dependent claim 310, Poole fails to specifically disclose wherein the

inserted data includes a URI. However, the examiner takes official notice that it is

notoriously well known in the art at the time of the applicant's invention that a URI may

be included within inserted data. It would have been obvious to one of ordinary skill in

the art at the time of the applicant's invention to have combined inserting a URI with

Coulthard, since it would have allowed a user to specify a reference to external data.

As per dependent claim 311, Poole fails to disclose wherein the documents are

XML documents. However, Kane discloses XML documents (abstract). It would have

been obvious to one of ordinary skill in the art at the time of the applicant's invention to

have combined Kane with Poole, since it would have allowed a user to define the

documents in a standard based markup language.

As per dependent claim 312, Poole discloses wherein the documents are valid

with respect to a DTD or a schema (Figures 1, 9c, and 10; column 2, lines 29-40;

column 4, lines 6-16).

As per dependent claim 313, Poole fails to specifically disclose wherein the set of operations comprises editing the one or more XML documents defining the one or more queries, conditions, and/or reusable content whilst maintaining the validity of the XML documents with respect to the DTD or schema. However, Kane discloses wherein the set of operations comprises editing the one or more XML documents defining the one or more queries, conditions, and/or reusable content whilst maintaining the validity of the XML documents with respect to the DTD or schema (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Kane with Poole, since it would have allowed a user to maintain validity of a document having inserted content.

As per dependent claim 314, Poole discloses wherein the at least one of the document assembly instructions is associated with one or more corresponding portions of the at least one XML source document (Figure 1).

As per dependent claim 323, Poole fails to specifically disclose evaluating a variable having conditions associated with date, including data determined to have a first value, and omitting data determined to have a second value. However, the examiner takes official notice that it was notoriously well known in the art at the time of the applicant's invention that popular programming constructions such as if-else statements and case statements allow for values to be evaluated and different actions, such as inclusion and exclusion, to be performed based upon these evaluated values. It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have combined this well known programming technique with Poole, since it

would have allowed a user perform different actions based upon the evaluated values.

As per dependent claim 324, Poole fails to specifically disclose use of Boolean

variables. However, the examiner takes official notice that the use of Boolean variables

was notoriously well known in the art at the time of the applicant's invention for providing

a finite set of values for data. It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined the use of Boolean

variables with Poole, thereby allowing for inclusion to data in an instance document to

be one of two accepted Boolean values, True or False.

As per dependent claim 327, Poole discloses wherein the source document

includes assembly instructions for including an element multiple times in the at least one

instance document (Figure 1: Here, individual elements are included multiple times

across the plurality of instance documents).

As per dependent claim 328, Poole discloses wherein the content of the element

is correspondingly modified for each of the times (Figure 1: Here, the style and layout of

the content is modified based upon which instance document it is included within).

As per dependent claim 329, Poole fails to disclose wherein the at least one

instance document is an XML document which is valid with respect to the same

predetermined DTD or schema as the at least on XML source document. However,

Kane discloses wherein the at least one instance document is an XML document which

is valid with respect to the same predetermined DTD or schema as the at least on XML

source document (Abstract). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined Kane with Poole, since it

would have allowed a user to maintain validity of a document having inserted content.

6.   Claims 300 and 325 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Poole and Kane, and further in view of Coulthard et al. (US 2002/0178290, filed 11

June 2001, hereafter Coulthard).

        As per dependent claim 300, Poole and Kane discloses the limitations similar to

those in claim 299, and the same rejection is incorporated herein. Poole fails to

specifically disclose wherein at least one of said document assembly instructions

includes one or more references to one or more other document assembly instructions.

However, Coulthard further discloses wherein at least one of said document assembly

instructions includes one or more references to one or more other document assembly

instructions (paragraphs 0034-0042: Here, the logic sources are used to generate the

intermediate XML source document, which are modified by the insertion of the

assemblies. These assemblies and logic sources cause the formation of the

JavaServlet page for display). It would have been obvious to one of ordinary skill in the

art at the time of the applicant's invention to have combined Coulthard with Poole, since

it would have allowed a user to incorporate assembly instructions via reference.

        As per dependent claim 325, Poole and Kane disclose the limitations similar to

those in claim 311, and the same rejection is incorporated herein. Poole fails to

specifically disclose wherein the step of generating includes including text defined in a

referenced XML document from a logic source in said instance document. However,

Coulthard discloses wherein the step of generating includes including text defined in a

referenced XML document from a logic source in said instance document (Figure 4,

items 412-416: Here, text from a legacy application is extracted into object blocks stored

in a logic source database. The extracted logic source data ultimately converted into a

dynamic document). It would have been obvious to one of ordinary skill in the art at the

time of the applicant's invention to have combined Coulthard with Poole, since it would

have allowed a source document to specify data to be included within the instance

document.

7.   Claims 317 and 326 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Poole and Kane, and further in view of Halloway et al. (US 2003/0033193, filed 9

August 2001, hereafter Halloway).

        As per dependent claim 317, Poole and Kane disclose the limitations similar to

those in claim 305, and the same rejection is incorporated herein. Poole fails to

specifically disclose wherein one or more queries, conditions, and/or reusable content

include interview data defining one or more questions for a user, and constraining

responses to said questions. However, Halloway discloses wherein one or more

queries, conditions, and/or reusable content include interview data defining one or more

questions for a user, and constraining responses to said questions (Figures 4-7). It

would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to have added interview data to Poole and Kane, thereby allowing for user

interaction for the generation of a document.

As per dependent claim 326, Poole, Kane, and Halloway disclose the limitations similar to those in claim 317, and the same rejection is incorporated herein. Halloway further discloses wherein said included text is provided by the user (Figures 4-7). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have added interview data to the combination of Poole, Kane, and Halloway, thereby allowing for user interaction for the generation of a document.

8.   Claim 318 is rejected under 35 U.S.C. 103(a) as being unpatentable over Poole and Kane, and further in view of Balmin et al. (US 7028028, filed 17 May 2001, hereafter Balmin).

As per dependent claim 318, Poole and Kane disclose the limitations similar to those in claim 299, and the same rejection is incorporated herein. Poole fails to specifically disclose wherein the assembly instructions include application data that can be parsed as XML. However, Balmin discloses assembly instructions including application data that can be parsed as XML (Figure 4; column 4, lines 23-42; column 10, lines 3-9: Here XML data is stored in a database. This XML data is then used to generate an instance document using the assembled XML data). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Balmin with Poole, since it would have allowed a user to create a single format instance document.

9.   Claims 319-322 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Poole and Kane, and further in view of Kimura et al. (US 2003/0097283, filed 27

February 2002, hereafter Kimura)

As per dependent claim 319, Poole and Kane disclose the limitations similar to

those in claim 304, and the same rejection is incorporated herein. Poole fails to

specifically disclose including attributes of a party. However, Kimura discloses party

information included in a data system (paragraphs 0047-0048). It would have been

obvious to one of ordinary skill in the art at the time of the applicant's invention to have

combined Kimura with Poole, since it would have allowed a user to include reservation

information into a source document.

As per dependent claims 320, Poole, Kane, and Kimura disclose the limitations

similar to those in claim 319, and the same rejection is incorporated herein. Kimura

further discloses wherein the party attributes include one or more of gender and number

(paragraphs 0047-0048). It would have been obvious to one of ordinary skill in the art

at the time of the applicant's invention to have combined Kimura with Poole, since it

would have allowed a user to include reservation information into a source document.

As per dependent claim 321, Poole, Kane, and Kimura disclose the limitations

similar to those in claim 319, and the same rejection is incorporated herein. Poole fails

to specifically disclose party data. However, Kimura discloses party information

included in a data system (paragraphs 0047-0048). It would have been obvious to one

of ordinary skill in the art at the time of the applicant's invention to have combined

Kimura with Poole, since it would have allowed a user to include reservation information into a source document.

As per dependent claim 322, Poole, Kane, and Kimura disclose the limitations similar to those in claim 321, and the same rejection is incorporated herein. Poole fails to specifically disclose party data. However, Kimura discloses party information included in a data system (paragraphs 0047-0048). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Kimura with Poole, since it would have allowed a user to include reservation information into a source document.

Allowable Subject Matter

10.   Claims 315-316 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11.   Applicant's arguments with respect to claims 299-329 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KYLE R. STORK whose telephone number is (571)272-

4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kyle R Stork/
Primary Examiner, Art Unit 2178